IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.787 OF 2005

B.I.F.R. ..Petitioner.

V/s.

Suppledmentary Foods(India)Ltd. ..Respondent.

Suo Moto company petition.

A.C.Mahimkar i/b. Mahimkar & Co. for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 27, 2007.

P.C. :

1. This Petition has been registered on the basis of report dated 29th October, 2003 received from the BIFR recommending the winding up of respondent- company. However, it now transpires that the Respondent-company has carried the matter in appeal against the said order, in which appeal respondent company demonstrated before the appellate authority that the dues of all the secured creditors have been paid off and the net worth of the company has turned positive by that time. On that basis, appeal has been disposed off, as is pointed out by the Counsel for the Respondent-company. Thus understood, nothing survives for consideration in the present Petition. The same is disposed of.

2. At the same time, it is made clear that individual petitions filed by other creditors, which are still pending in this Court against the respondent-company will be considered on its own merit.

(A.M.KHANWILKAR,J)